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In re Application of
BACH-Y-RITA et al.
Application No.: 10/577,282
PCT No.: PCT/US04/35305
Int. Filing Date: 22 October 2004
Priority Date: 22 October 2003
Attorney Docket No.: WICAB-10943
For: TACTILE INPUT SYSTEM

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is issued in response to the "Renewed Submission under 37 CFR 1.42" filed 20 November 2007. No petition fee is required.

BACKGROUND

On 22 October 2004, applicants filed international application PCT/US04/35305, which claimed a priority date of 22 October 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 24 April 2006. (22 April 2006 was a Saturday and 23 April 2006 was a Sunday.)

On 24 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee, a copy of an international application; and a copy of the international search report.

On 05 February 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(h).

On 07 June 2007, applicants filed a declaration and power of attorney executed by Edward N. Fisher as an inventor and Juana Esther Bach-Y-Rita on behalf of deceased inventor, Paul Bach-Y-Rita. In a decision dated 21 September 2007, applicants request under 37 CFR 1.42 was refused.

On 20 November 2007, applicants filed "Renewed Submission under 37 CFR 1.42."

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 20 November 2007 is executed by Edward N. Fisher as an inventor and Juana Esther Bach-Y-Rita as the "legal representative" of the deceased inventor, Paul Bach-Y-Rita. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 22 October 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **20 November 2007**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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